

TOWER LAKES CONDO ASSOCIATION

Board of Trustees

Fiscal Policy: 2017-03
Subject: Garage Sales and Estate Sales
Date: October 24, 2017
Effective Date: October 24, 2017
Reference: Section 6.17 - Nuisances - of the Second Amendment and Restatement Declaration of Covenants and Restrictions.
Revised:
Authority: Brad Haltsby, President, Board of Trustees

Section 6.17 - Nuisances - of the Second Amendment and Restatement of the Declaration of Covenants and Restrictions for Tower Lakes Subdivision states, in part, “... no Owner shall use, or permit the use of, any Dwelling Unit within this subdivision for a garage sale, tag sale, yard sale, moving sale, auction or similar activity, except for garage and/or yard sales sponsored by the Community Association with the approval of the Board of trustees.”

Fiscal Policy 2017-03 is designed to clarify existing rules and regulations as well as to define the difference between a Garage Sale and an Estate Sale for the purpose of Board approval of each.

DEFINITIONS:

GARAGE SALE: A garage sale is an informal event for the sale of used goods by private individuals, in which sellers are not required to obtain business licenses or collect sales tax. Typically the goods in a garage sale are unwanted items from the household with its owners conducting the sale.

ESTATE SALE: An estate sale or estate liquidation is a sale or auction to dispose of a substantial portion of the materials owned by a person who is recently deceased or who must dispose of their personal property to facilitate a move. An estate sale may also occur because the property owner will be moving or has moved into a new residence where they will be unable to keep their property. An estate sale may also take place because of divorce, foreclosure, or relocation.

Difference between an Estate Sale and Garage Sale: Estate sales take place because someone can no longer keep their stuff, while a garage sale or yard sale is held when people no longer WANT their stuff.

VARIANCE REQUIRED FOR GARAGE SALE/ESTATE SALE: Effective with the approval of this policy (Policy 2017-03 GARAGE SALES AND ESTATE SALES), all Unit Owners will be required to submit a variance request to the Board of Trustees no less than 14 days in advance of any proposed garage sale or estate sale. The variance request must be approved by other Unit Owners in the building. The variance request must also include:

- Dates of the sale (not to exceed three days in a row)
- Hours of the sale (No earlier than 9 am or later than 5 pm)
- Purpose for the sale

Unit Owners are prohibited from placing signs or advertising for the sale within the subdivision as **outlined in Sections 6.9 - SIGNS and 6.15 - EXTERIOR SURFACES AND DISPLAYS** of the Second Amendment and Restatement of the Declaration of Covenants and Restrictions for Tower Lakes Subdivision.

Unit Owners are prohibited from placing any signs or advertising at the front entrance of the Association.

In the case of Estate Sales where the Unit Owner is requesting a variance due to moving, the sale is required to take place no sooner than 30 days of move date.

All items to be sold must be contained within the garage or Unit residence. Items are not permitted to be stored or displayed outside the building.

COMMUNITY GARAGE SALE: Residents may request a community garage sale date(s) no more than once a year. The Organizer(s) shall submit a variance request for Board approval. A minimum of ten (10) Unit Owners must participate to qualify the event as a Community Garage Sale.

PENALTY FOR VIOLATION: A Unit Owner found in violation of submitting a proper variance request and seeking Board approval prior to conducting a Garage

Sale or an Estate Sale can be fined \$150.00. A second violation of this policy can result in a fine not to exceed \$300.

The Board will review the circumstances involved prior assessing the Unit Owner the fine. After review of the facts surrounding the violation, the Board has the discretion to waive the fine and issue a written warning for the violation.